


Form PTO-1390 TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER P28678 U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">80/553909</div> Not Yet Assigned	
INTERNATIONAL APPLICATION NO. PCT/JP2004/005758		INTERNATIONAL FILING DATE April 22, 2004		PRIORITY DATE CLAIMED April 24, 2003	
TITLE OF INVENTION OPTICAL CHARACTERISTIC MEASURING INSTRUMENT AND METHOD, PROGRAM, AND RECORD MEDIUM ON WHICH THE PROGRAM IS RECORDED					
APPLICANT(S) FOR DO/EO/US Kenzi NISHIKAWA					

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (23) indicated below.
4. ☐ The US has been elected (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d) (4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 UNEXECUTED"
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 22 below concern other document(s) or information included:

11. Assignee: ADVANTEST CORPORATION of Tokyo, Japan
12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☒ A FIRST preliminary amendment.
 ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ An Application Data Sheet under 37 C.F.R. 1.76.
16. ☐ A substitute specification.
17. ☐ A power of attorney and/or change of address letter.
18. ☒ Figure of Drawing to be published: 1
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154 (d) (4).
21. ☐ A second copy of the English language translation of the international of the international application under 35 U.S.C. 154 (d) (4).
22. ☒ Other items or information:
 Cover Letter Filed Under 35 USC 371 & 37 CFR 1.495.
 Copy of the International Application as published in Japanese-cover sheet-2 pages.
 PCT/ISA/210-International Search Report in English and Japanese.
 PCT/IB/308; Claim of Priority

U.S. APPLICATION NO. (if known, see 37 CFR 1.55) 10/553909 Not Yet Assigned		INTERNATIONAL APPLICATION NO. PCT/JP2004/005758		ATTORNEY'S DOCKET NUMBER P28678	
23 <input checked="" type="checkbox"/> The following fees are submitted: Basic national fee.....300.00				CALCULATIONS	PTO USE ONLY
				\$ 300.00	
24 <input checked="" type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33 (1)-(4).....100.00 All other situations.....200.00				\$ 200.00	
25 <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a) (2)) has been paid on the international application to the USPTO as an International Searching Authority.....100.00 International Search Report prepared and provided to the Office.....400.00 All other situations.....500.00				\$ 400.00	
TOTAL 23, 24 and 25 =				\$ 900.00	
<input type="checkbox"/> Additional Fee for Specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100=	/50 =		x \$250.00	\$ 0	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				0	
Claims	Number Filed	Number Extra	Rate		
Total Claims	11 - 20 =	0	x \$50.00	\$ 0	
Independent Claims	4 - 3 =	1	x \$200.00	\$ 200.00	
Multiple Dependent Claim(s) (if applicable)			+ \$360.00	\$ 0	
TOTAL OF ABOVE CALCULATIONS =				\$1,100.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 0	
SUBTOTAL =				\$1,100.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (i)).				\$ 0	
Extension of Time fee in the amount of \$				\$ 0	
TOTAL NATIONAL FEE =				\$1,100.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0	
TOTAL FEES ENCLOSED =				\$1,100.00	
				Amount to be refunded	\$
				Charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$1,100.00 to cover the above fees is included.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.					
c. <input checked="" type="checkbox"/> The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0089.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO CUSTOMER NO. 07055 AT THE PRESENT ADDRESS OF:				Leslie J. Paperner Reg. No. 33,329	
Bruce H. Bernstein GREENBLUM & BERNSTEIN, P.L.C. 1950 Roland Clark Place Reston, VA 20191 (703) 716-1191				 SIGNATURE Bruce H. Bernstein NAME 29,027 REGISTRATION NUMBER	

10/553909

JC20 Rec'd PCT/PTO 21 OCT 2005

P28678.P02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kenzi NISHIKAWA

Mail Stop PCT

Appl. No : Not Yet Assigned
(U.S. National Phase of PCT/ JP2004/005758)

I.A. Filed: April 22, 2004

For : OPTICAL CHARACTERISTIC MEASURING INSTRUMENT AND METHOD,
PROGRAM, AND RECORD MEDIUM ON WHICH THE PROGRAM
IS RECORDED

**COVER LETTER ACCOMPANYING U.S. NATIONAL STAGE PATENT
APPLICATION FILED UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495**

Mail Stop PCT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Enclosed is a new National Stage patent application for filing in the U.S. Patent and Trademark Office under 35 U.S.C. 371 and 37 C.F.R. 1.495. The Declaration and Power of Attorney attached thereto are in unexecuted form. A properly executed Declaration and Power of Attorney, will be filed within the period of time set in a Notification to be mailed by the United States Patent and Trademark Office.

Related to the above, this application should be associated with Customer Number 07055, which includes the present correspondence address as follows:

10/553909


P28678.P02

1020100000000 21 OCT 2005

GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

If there are any questions pertaining to this National Stage Application, please
contact the undersigned.

Respectfully submitted,
Kenzi NISHIKAWA


Bruce H. Bernstein Leslie J. Paperner
Reg. No. 29,027 Reg. No. 33,329

October 20, 2005
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